IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

v.

WILSON BERRIOS-FLORES (40),

Defendant

Criminal No. 19-604 (PAD)

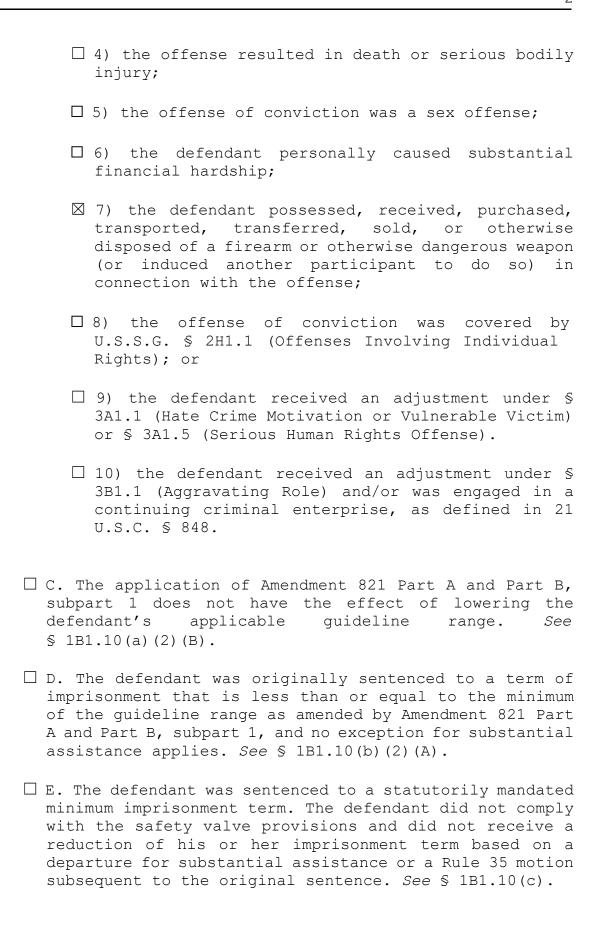
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION Re: Amendment 821

The below report and recommendation relates to an initial determination as to the defendant's eligibility for a sentencing reduction promulgated by the United States Sentencing Commission under Part A and Part B, Subpart 1 of Amendment 821 to Policy Statement § 1B1.10(d).

After careful review of the defendant's presentence report, charging document(s), plea agreement, plea supplement, judgment, and statement of reasons, I recommend that:

\boxtimes The defendant is <u>not</u> eligible for a sentence reduction based on the following factor(s):

- ☐ A. The guidelines range that applied in the defendant's case was not determined by U.S.S.G. § 4A1.1(d) or defendant's status as a zero-point offender under Chapter 4, Part A.
- \boxtimes B. The defendant does not meet <u>all</u> of conditions specified by § 4C1.1. Specifically, one or more of the following criteria applies:
 - ☐ 1) the defendant has criminal history points from Chapter Four, Part A;
 - \square 2) the defendant received an adjustment under U.S.S.G. \S 3A1.4 (Terrorism);
 - ☐ 3) the defendant used violence or credible threats of violence in connection with the offense;



s/ Bruce J. McGiverin

UNITED STATES MAGISTRATE JUDGE